

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ORDER ADOPTING REPORT AND RECOMMENDATION FOR DISMISSAL,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

Plaintiff David Tyron Jones, a resident of Bolivar, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on May 13, 2016, accompanied by a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) On June 16, 2016, U.S. Magistrate Judge Charmiane G. Claxton granted leave to proceed *in forma pauperis* and issued a Report and Recommendation (“R&R”) in which she recommended dismissing the case *sua sponte* pursuant to 28 U.S.C. § 1915(e)(2)(B). (ECF No. 6.) Objections to the R&R were due on or before July 5, 2016. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(a), (d). However, Plaintiff has filed no objections.

Plaintiff's complaint alleges the following: "Officer Williams and Officer Fish was coming in the pods and saying Sargent [sic] Miller say that all yall [sic] have to die and open all the cells in F pod on the 2nd floor of the Jail leting [sic] gang members in to kill other inmates." (ECF No. 1 at 2.) He asks that a court date be scheduled and that he be granted "1.15 million dollars for the

Afican [sic] American dieing [sic] lawsuit scam.” (*Id.* at 3.) Plaintiff further states, “I am one of the inmates who had to die. Fileing [sic] order of protection immediately.” (*Id.*)

On May 13, 2016, Plaintiff filed an untitled document which the Court construes as an amended complaint.¹ (ECF No. 4.) In that document, Plaintiff states:

Fileing [sic] 1.15 million dollar Afican [sic] American dieing [sic] lawsuit scam. I David Tyron Jones is sueing [sic] the United States of America allso [sic] States for scheduleing [sic] Afican [sic] American peoples to die in our county jails and government institution in Tennessee, Arkansas, and Texas[.] It is call gang control terrorism [sic] thunder dorm [sic][.] [C]anabalism fights causeing [sic] heart attacks [sic], sucide [sic] deaths, and lots of missing peoples[.] [L]oud noise in the jail and institution from peoples being beating to death[.] [T]he police and sheriff department government is killing Afican [sic] American peoples as cows, and is feeding dead human meat to the inmates in the Shelby County Jail located at 201 Poplar in Memphis Tennessee 38103 and government mental health institution in Tennessee, Arkansas, and Texas. When peoples file complaints on the government they lie to cover up true alligation [sic] against them so the state and federal government want [sic] investigate them or the lawsuit. They say that you are mental ill and need to be on medication[,] to cover up their lawsuits[,] and to throw the state and fed off a mobb [sic] law suit scam.

(*Id.* at 1-2.) This is another in a series of cases Plaintiff has filed in various federal courts over the last sixteen years alleging that county jails and government mental hospitals are deliberately killing African Americans.²

¹ A second copy of the document, identical except for the addition of a second date, was received and docketed on June 9, 2016. (ECF No. 5.)

² See *Jones v. Shelby Cnty. Sheriff Dep’t*, No. 16-cv-2032-JDT-cgc (W.D. Tenn. Feb. 17, 2016) (dismissed for failure to state a claim); *Jones v. Shelby Cnty. Sheriff Dep’t*, No. 15-2217-JDT-cgc (Feb. 3, 2016) (dismissed for failure to state a claim); *Jones v. Western Mental Health*, No. 13-1180-JDT-egb (W.D. Tenn. Jan. 2, 2014) (dismissed for failure to comply with an order of the court); *Jones v. Memphis Police Dep’t*, No. 13-2066-JDT-tmp (Oct. 1, 2013) (dismissed as frivolous and for failure to state a claim); *Jones v. Dallas Life Homeless Shelter*, No. 3:12-cv-04797-P-BN (N.D. Tex. Feb. 27, 2013) (dismissed as frivolous); *Jones v. City of Memphis*, No. 12-2215-JDT-tmp (Jan. 30, 2013) (dismissed as frivolous and for failure to state a claim); *Jones v. Mid South Health Sys.*, No. 3:11-cv-00297-SWW (E.D. Ark. Jan. 31. 2012) (dismissed for (continued...)

In her R&R, Magistrate Judge Claxton determined that Plaintiff's allegations in this case do not comply with Federal Rule of Civil Procedure 8(a)(1) and do not adequately state any claim against the Defendants under 42 U.S.C. § 1983. The Court finds no error in that conclusion. Therefore, the R&R is ADOPTED, and this case is DISMISSED for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court also DISMISSES the case as frivolous pursuant to § 1915(e)(2)(B)(i).

It is CERTIFIED, pursuant to Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Plaintiff is not taken in good faith, and leave to appeal *in forma pauperis* is DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

²(...continued)

failure to comply with an order of the court); *Jones v. Crittenden Cnty. Pub. Defender*, No. 3:11-cv-00142-DPM (E.D. Ark. Oct. 20, 2011) (dismissed for failure to comply with an order of the court); *Jones v. Jackson*, No. 4:11-cv-00216-JLH (E.D. Ark. Apr. 27, 2011) (dismissed for failure to state a claim); *Jones v. Crittenden Cnty. Jail Admin. and Staff*, No. 4:10-cv-00040 GTE (E.D. Ark. July 19, 2010) (dismissed for failure to comply with an order of the court); *Jones v. Busby*, No. 4:06-cv-00673-JLH (E.D. Ark. Aug. 30, 2006) (dismissed for failure to state a claim); *Jones v. Shelby Cnty.*, No. 03-2247-ML/A (W.D. Tenn. June 23, 2003) (dismissed for failure to state a claim); *Jones v. Boyce*, No. 00-3195-D/V (W.D. Tenn. Feb. 5, 2001) (dismissed as frivolous); *Jones v. Boyce*, No. 00-2400-D/A (W.D. Tenn. June 5, 2000) (dismissed as frivolous).